

REMARKS

This amendment is in response to the Office Action, dated October 19, 2007, ("Office Action"). In the Office Action, Examiner indicated that claims 23, 25, 63, 64, 77 and 78 are allowed, for which Applicant thanks Examiner. Examiner further indicated that claims 1, 4-9, 11-12, 15-20, 22, 57-62, 71-76, and 85-88 were rejected. Claims 1, 4-9, 11-12, 15-20, 22, 57-62, 71-76, and 85-88 have been canceled (claims 2-3, 13-14, 24, 26-28, 30, 32-56, 65-66, 69-70, 79-80 and 83-84 having previously been canceled) by virtue of the present amendment. Claims 23, 25, 63, 64, 77 and 78 are pending after entry of the present amendment.

Claims 64 and 78 have been amended to remove the term "about" to improve the clarity of the claims.

In the Office Action, Examiner acknowledged and entered Applicant's Amendment, filed July 25, 2007, and Information Disclosure Statement ("IDS"), filed August 31, 2007.

The Examiner also notes that Applicant's IDSs filed on July 25, 2007 and October 10, 2007 were both blank. The Examiner, therefore, was unable to consider the references disclosed therein. Applicant believes that Examiner is referring to the August 31, 2007 IDS rather than a July 25, 2007 IDS, as Applicant did not file an IDS on July 25, 2007. Applicant had discovered that the USPTO's record showed the August 31, 2007 IDS as a blank form. As such, an identical IDS was filed on October 10, 2007. Applicant had utilized the USPTO's PTO/SB/08(EFS Web fillable) Forms to file the August 31, 2007 and the October 10, 2007 IDSs and it appears that a technical problem was encountered in both instances. Applicant would like to direct the Examiner to Applicant's IDS, filed October 23, 2007 (in which the form was scanned and uploaded), which discloses the same references as the IDSs, filed on August 31, 2007 and October 10, 2007.

Examiner rejected claims 1, 4-9, 11-12, 15-20, 22, 57-62, 71-76 and 85-88 under 35 U.S.C. §112, first paragraph, asserting that the claims were not enabled for treating androgen-independent prostate cancer with the full scope of compounds recited in the claims. Examiner did acknowledge that the specification enabled claims for using raloxifene to treat androgen-independent prostate cancer. While Applicant in no way concedes to Examiner's rejection, Applicant has canceled claims 1, 4-9, 11-12, 15-20, 22, 57-62, 71-76 and 85-88 in the interest of advancing prosecution. As such, this rejection is rendered moot.

All of the claims remaining in the application are now believed to be allowable. Favorable consideration and a Notice of Allowance are earnestly solicited. If for any reason Examiner finds the application other than in condition for allowance, Examiner is requested to call either of the undersigned attorneys at the Los Angeles telephone number (213) 633-6800 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,
David B. AGUS
DAVIS WRIGHT TREMAINE LLP

By 
Linda B. Truong
Registration No. 56,461

By 
Seth D. Levy
Registration No. 44,689

865 South Figueroa Street, Suite 2400
Los Angeles, CA 90017-2566
Phone: (213) 633-6800
Facsimile: (213) 633-6899